

**STATE WATER RESOURCES CONTROL BOARD  
BOARD MEETING SESSION – OFFICE OF PUBLIC PARTICIPATION  
DECEMBER 11, 2018**

**ITEM 10**

**SUBJECT**

DRAFT WATER BOARDS' TRIBAL CONSULTATION POLICY

**DISCUSSION**

In 2011, Governor Edmund G. Brown Jr. signed Executive Order B-10-11 which established, among other things, a policy that all state agencies and departments including the Water Boards provide California Native American tribes with an opportunity for meaningful input into the development of legislation, regulations, rules, and policies on matters that may impact tribal communities. Further, Assembly Bill 52 (Gatto, 2014) amended the California Environmental Quality Act (CEQA) by adding a new category of cultural resources and new requirements for consultation with California Native American tribes by the lead agency. In 2015, CalEPA established its Policy on Consultation with California Native American Tribes. While the CalEPA policy is broad and was written keeping in mind the actions of each the six BDOs, the implementation of the Water Boards' Tribal Consultation Policy (Policy) affirms the Water Board's continued commitment to strengthening and sustaining government-to-government relationships with both federally and non-federally recognized California Native American tribes.

This policy constitutes a process and guides Water Board staff to engage aptly with California Native American tribes through timely and meaningful consultation and collaboration on actions that may have an impact to tribal lands and/or cultural resources consistent with the mission of the Water Boards. The Water Boards' Tribal Consultation Policy provides specificity and augments the existing *CalEPA Policy on Consultation with California Native American Tribes*.

This informational item will provide an update on the status of the Water Boards' Tribal Consultation Policy that the Office of Public Participation has developed with the support of the Office of Chief Counsel.

**POLICY ISSUE**

The proposed policy is intended to guide staff statewide to appropriately carry out consultation with California Native American tribes in accordance with existing state laws.

**FISCAL IMPACT**

None. This is an informational item.

**REGIONAL BOARD IMPACT**

None. This is an informational item.

**STAFF RECOMMENDATION**

None. This is an informational item.